

U.S. Serial No.: 10/667,151
Filed: 09/18/2003

IN THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: Sheng-Ping Zhong

Serial No.: 10/667,151

Filed: 09/18/2003

Title: INJECTABLE THERAPEUTIC FORMULATIONS

Art Unit: 1611

Examiner: Charlesworth E. Rae

Confirm. No.: 8726

Docket No.: 03-151US1

Via EFS Web
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I hereby certify that this correspondence and any document referenced herein are being electronically filed with the USPTO via EFS-Web on December 21, 2009.

Nancy Joyce Simmons
(Printed Name of Person Sending Correspondence)

/nancy joyce simmons/
(Signature)

**NOTICE OF APPEAL UNDER 37 C.F.R. 41.31 AND PETITION FOR AN
EXTENSION OF TIME**

SIR:

Applicant hereby respectfully appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated June 9, 2008, finally rejecting the pending claims in this application. Applicant previously filed a Notice of Appeal on December 1, 2008, and further filed an Appeal Brief on March 2, 2009. In response, the Examiner did not file an Examiner's Brief and, instead, with the approval of the Supervisory Patent Examiner, reopened prosecution of the case, removing it from appeal, and issued a non-final office action on June 23, 2009.

The Examiner provided Applicant with the option of either: (1) filing a reply under 37 C.F.R. 1.111 or (2) initiating a new appeal by filing a Notice of Appeal under 37 C.F.R. 41.31 followed by an appeal brief under 37 C.F.R. 41.37. The previously paid appeal fees set forth in 37 C.F.R. 41.20 can be applied to the new appeal. Thus, the fee under 37 CFR 41.20(b)(1) which was previously paid on December 1, 2008 is to be applied. Thus, the only fees believed to be due and owing with this filing is a petition fee for a three-month extension of time (from September 23, 2009 to December 23, 2009).

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The time for response having been extended, a reply or Notice of Appeal is due December 23, 2009 and is being timely filed. Authorization is hereby provided to charge the three-month extension fee under 37 CFR 1.17(a)(3) (\$1,110.00) and any other fees that may be required, or credit any overpayments, to Deposit Account 50-1047.

Date: December 21, 2009

Respectfully submitted,

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